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Prevention Without Prediction

by

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The destruction of memory is
both the function and the aim
of totalitarianism.

Milan Kundera as quoted
in William Shawcross, p. 12.

Introduction

This paper addresses a number of issues of importance to that intrepid band of activists who believe that it is possible to prevent genocides in the future. They have assumed that this requires the knowledge to predict such events, based on a number of indicators that would serve to activate an early warning system. That system would then alert the world to the impending disaster and arouse it to preventive action.

However, prediction in the social sciences requires much more knowledge than we presently have - if it is at all possible. In the past, when change was much slower and much less frequent, pre-

* I wish to thank my colleagues and friends Frank Chalk, Hubert Guindon, and David Kirk for their comments on earlier versions of this paper.

diction had a certain amount of prestige. But that prestige was usually based not on the quality of the predictions, but rather on their having been forgotten long before experience had falsified them. Lately, the pace of change has accelerated so dramatically that many predictions are remembered only too well by the time they have been falsified. That also means that it now takes much more courage to commit a prediction to the written record because it may well have been contradicted by events before it has even appeared in print.

This state of affairs has very serious implications for those of us who are interested in social policy and social action because many of us have assumed that prediction is a sine-qua-non for prevention. It is the purpose of this paper to show that this is not necessarily so. But assuming, for the sake of argument, that well-grounded predictions were to become available, they would probably create a whole series of new problems. These would be of three kinds. If the prediction were to prove correct, and if it had been made inside the perpetrator country, the authors of that prediction might well become its first victims. (In Burundi, the minister of information warned of the genocidal potential of the internal conflicts and was one of the first victims of that genocide.) If, however, a correct prediction were to be made outside the country, and if preventive actions were to prove successful, then it would be difficult to prove that a genocide had been planned; those who made that prediction would then seem to have accused the potential perpetrators unfair

ly. On the other hand, if the prediction turns out to be incorrect, it would very likely undermine the credibility of the source of the prediction as well as of the activity of predicting.

Thus, a prediction, by definition a long-range statement, in order to be useful must be credible, and must be accepted by actors who are willing to act on it. Both conditions are quite questionable at this time. So, if we lack the means to make predictions credible and the actors who will rely on them as guides to action, then we need preventive measures that do not require a prediction.

A matter of definition

However, first a definitional problem needs to be cleared up. I do not propose to enter here into the definitional debate about genocide. It has been adequately covered by Kuper (1981, ch.II) and Chalk and Jonassohn (1990, Part I). The definition used in this paper is:

Genocide is a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator (Chalk and Jonassohn, 1990, p. 23).

We have been taken to task for this definition by some of our colleagues because it does not define the term 'group' in an acceptable way. We have argued that whatever group is being victimized is a 'group' in this context because the perpetrator has so defined it - even if no such 'group' exists outside the particularistic ideological vision of the perpetrator. Our critics seem to be subject to a very

peculiar bias, perhaps due to their too narrow specialization and unfamiliarity with the literature on refugees.

Most genocides produce refugees; in fact, genocides seems to be responsible for the largest part of recent refugee flows. Most students of the refugee problem seem to agree with the United Nations' definition which says that a refugee is a person who is outside his country due to a justified fear of persecution (D'Souza and Crisp, 1985, pp. 6-7). Zolberg, on the other hand, defines refugees as persons whose presence abroad is attributable to a well-founded fear of life-threatening violence (1989, pp. 29-33). Whichever of these two definitions one uses, it is clear that it is the perpetrator of the persecution or violence who defines the victim group.

The thought provoked by such debates about definitions is that they are produced by too much specialization. If scholars dealt with genocides, and also with the refugees that they produce, then they would not be caught up in such contradictory definitions; definitions according to which the survivors of genocides are refugees, while those who did not survive were victims, but not of a genocide! Using our definition at least has the virtue of making the definitions of genocides and of refugees consistent.

Early Recognition

Until we can predict when and where a genocide will occur, we cannot set up an early warning system. But we certainly can recognize a genocide once it has started. Several authors have attempted to sort out the beginning stages of genocide, based on the

observations of past genocides. Stanton (1989) says that these stages consist of: classification, symbolization, vilification, identification, and finally extermination. Hilberg's stages are: definition, expropriation, concentration, and annihilation. (1979, p.31) The differences in their schemes may be due to their being derived from events in quite different culture areas. With a little more research it should be possible to specify a set of broad stages that apply across culture areas. The reason for doing this research is that mass killing does not ever occur without some preliminaries that can be used to recognize when a process of genocide is unfolding. The point here is that such early recognition should be taken seriously as signals of impending disaster.

In addition, there is a variety of other precursors to the actual killing that may not be observed in every genocide, but whose occurrence should lead to an early recognition of human rights violations that have the potential of escalating to genocide. The human rights violations here referred to are not all of those codified in the United Nations Declaration or the Helsinki Accord; instead we are limiting the discussion to only those human rights violations that are a direct threat to the life of the person and the group, such as torture and killing. McDougal et. al. refer to such human rights violations as the final or extreme deprivation of well-being (pp.27, 576, 639). Among the precursors that should alert us to their early recognition are:

- Official statements of lethal principles and plans, and of actions already taken (Iran issued both) should be taken seriously

because it may still be possible to intervene in a process that may lead to the annihilation of a victim group.

- The appearance of refugees ought to be taken very seriously; it is the best indicator because people do not leave their home without their possessions, their family, and their friends unless they have genuine reasons to fear for their survival. In addition, these refugees are usually the first as well as the most reliable source of information (Clark, 1989). If they are interviewed by competent researchers who know how to gather and verify data, they will prove to provide the most accurate information on what is happening in their country of origin. In the past, their witness has not carried much credibility because they were accused of being biased observers; thus much information and insight was ignored. (Clay and Holcomb, 1986, ch.1; Frelick, 1989)

- Government regulations and other documentary evidence, where available, should also be taken seriously. Most revealing are new or amended laws that circumscribe some human right. But lesser changes should not be ignored, such as orders-in-councils, travel restrictions, currency controls, etc. Such documents by themselves may not mean very much; they need to be evaluated in context.

- The appearance of false news, denial of news, and biased or ideologically slanted statements, ought to rouse suspicion among outside observers, especially if they have prior specialized knowledge that allows them to interpret such news in an objective manner.

Of course, early recognition may be generated by tragedies

other than genocide, and refugees may be fleeing from disasters other than mass killings. Leon Gordenker suggests that "Early warning ought to concern itself with movements of people who are subjected to severe deprivations that they could not avoid and did not themselves cause" (1985, p.69). Such deprivations should not be ignored; instead they ought to lead us to extend our attention to all forms of human rights violations and to collaboration with other human rights organizations. In fact, genocide early recognition systems could probably be much more easily implemented if they were part of more general warning systems of refugee flows. Such integration into larger and pre-existing efforts requires careful attention to possible conflicts of emphasis. Thus, most organizations interested in predicting refugee flows want to know how many refugees will require their assistance, while early recognition of genocide is less concerned with the number of refugees than with the situation that caused them to flee. The demand for assistance to large numbers of refugees has, however, increased an interest in the possibility of preventing the causes of such flows. This was one the reasons for the recent creation of the Office for Research and the Collection of Information (ORCI) within the United Nations Secretariat. Whether ORCI will be any more effective than other relevant United Nations bodies remains to be seen.

The rest of this paper will explore some suggestions for a variety of measures, applicable in different institutional areas of every society, that may contribute to the prevention of future genocides. It is unlikely that any of these measures will be effective by

themselves; each of them should be evaluated as part of a concerted campaign. The list is not yet exhaustive, nor are all of these suggestions new or original; but this seems to be the first time that such a listing has been assembled.

Education

The term genocide is now widely misused to denote almost anything that an observer is violently opposed to, whether or not anyone is being killed. In that usage it carries a strong negative loading without corresponding to any accepted definition. At the same time, the topic of genocide is surrounded by a veil of silence that often expands to collective denial. Both ought to be dispelled as part of any educational program that proposes to deal with the subject.

In order not to trivialize the subject it is important to counteract the misuse of the term genocide. It is in this context that the discussion of definitions becomes relevant. The term genocide has been used to embrace anything from urban planning to environmental pollution to family planning methods. Students ought to recognize that such misleading use militates against any hope of successful prevention.

Collective denial also needs to be discussed in detail because it amounts to saying that 'what must not be, cannot be'; also, that which is denied need not be prevented. Therefore, it is important to counteract all forms of denial and to keep the memories alive. At present there exists a great deal of social science and history litera-

ture that deals with empires from ancient Egypt to Rome to those of the twentieth century without ever a mention of what happened to many of the people that became the victims of these empires.

It is equally important to counteract the destruction of memory. To give just one example, according to Adalbert Rückerl, the head of the Central Office of the Land Judicial Authorities for the Investigation of National-Socialist Crimes, over 110,000 legal prosecutions have been initiated since the end of the the war in what was then Hitler's 'greater Germany' (FRG, GDR, Austria) (1980, pp. 72, 74, 117) . We have no similar figures for the Soviet Union, Poland, Japan, and all the other countries where criminal proceedings arising from wartime activities were held. For the present argument it is not important to consider the outcomes of the proceedings; they ranged all the way from death penalties to dismissals due to lack of evidence or due to inability to locate the accused. What concerns us here is that these events have received very little attention -- with the exception of the Nuremberg trials. We know little about these cases and even less about the effects they may have had on the accused or on their communities. Of course, no comparable judicial proceedings were instituted against the perpetrators of all the genocides that have occurred since then and, as Dadrian (1989, pp. 326-329) has pointed out, an unpunished crime encourages its repetition. The result is summarized by Kuper in one of his blackest moods: ". . . the sovereign territorial state claims, as an integral part of its sovereignty, the right to commit genocide, or engage in genocidal massacres, against people under its rule, and . . .

the United Nations, for all practical purposes, defends this right." (Kuper, 1981, p.161) and "One can only ask - is genocide a credential for membership in the General Assembly of the United Nations?" (Kuper, 1981, p.173)

In order to prevent genocides in the future, it is futile to rely exclusively on the United Nations or on its member governments. Instead, it is imperative to educate a generation of citizens who will not be prepared to be passive bystanders to the violation of human rights, but who will actively criticize and/or oppose their governments when they want to engage in such violations. That it is possible to do this without themselves engaging in violence is adequately demonstrated by the American citizens' protests that helped to end the war in Vietnam, as well as by the recent events in Eastern Europe.

The following topics might be considered in courses that deal with genocides and human rights:

- the UN Genocide Convention: its origins, its pros and cons (esp. Whitaker), its effects, and the way some scholars have proposed to revise its definition. This unit should include a discussion of the legislation relating to the Convention, to hate mongering, and to human rights in the students' own country.
- the occurrence of genocide through the ages, emphasizing the roles of the various participants: those who gave the orders, those who carried them out, those who were their victims, and those who were bystanders (active or passive).
- the struggle for human rights, both individual and collective. The role of the culture of various countries in facilitating or inhibit-

ing the acceptance and protection of human rights. It may be useful to emphasize that having the same right is desirable, while being homogenized is pernicious.

- the consequences of ideological genocide for the perpetrator society should be discussed in some detail. It should be emphasized that the costs for the collectivity are both enormous and long lasting, in spite of the fact that there are always individuals who enrich themselves in almost any situation. (Jonassohn, 1990)

- the differences between democratic and authoritarian regimes. These ought to be dealt with in terms of: decentralized versus centralized control; the rule of law versus the arbitrary use of law; the relative valuations of the individual versus the collectivity; the encouragement of initiative versus the enforcing of conformity; and the separation of church and state.

This kind of education is, of course, based on the optimistic assumption that an informed citizenry will not allow a genocide to occur in its own country and will also be willing to assist in preventing it in other countries.

Finally, a basic pedagogical question needs to be explored. Is it enough to insert these topics into the curriculum at several levels of schooling? Or is it also important to allow young people to encounter serious issues outside the medium of their school experience. One such medium is television; although there has been much research done on the influence of TV, it is still not clear whether and when young people take it seriously or perceive it simply as entertaining fiction. One suggestion is to take a closer look at the effects of books

like Carol Matas' *Lisa's War* (1989), which in a children's book deals with the 'adult' problems of Jewish survival in Nazi-occupied Denmark without talking down to the readers. In order to achieve a similar effect in the classroom, instructors might consider using role-playing sessions on the pattern of the model UN parliament sessions so popular in some areas; members of a class would first research and then debate the roles of specific actors associated with a particular genocide, with the rest of the class acting as critics.

Publicity

The important and positive role that publicity has played in reducing the persecution of the Baha'i in Iran and in easing the famine in Ethiopia should remove any doubt about the value of such publicity. However, not every bit of bad news will receive public attention, or will even be reported. If publicity is to play a significant role in stopping serious violations of human rights and in recognizing and arresting a developing genocide then some pre-conditions need to be attended to.

- For publicity concerning impending mass killings to work and to be spread it is crucial that the credibility of the news be established beyond doubt. Unless that can be done, such publicity will either be ignored or will be interpreted as hostile propaganda. In both cases it will only do harm to the cause of prevention.

- Credible reports are certainly much more likely to receive wide press coverage in the important media, in addition to their restricted circulation in the obscure newsletters of humanitarian

organizations. Therefore, reports should include not only the salient facts, but also the reasons for believing them to be accurate.

- Wide coverage will also be easier to obtain if it is demanded and/or supported by prominent individuals and prestigious organizations. This may be much more difficult to arrange than it sounds because there often are influential and/or powerful interests that prefer to keep such news out of circulation. One needs to think only of the on-going persecutions of the Kurds and of the people of East Timor which are being widely ignored by the press and the United Nations because the costs in human lives and suffering are considered small compared to the economic and strategic benefits.

- The different communications media will require different approaches and will also have different effects on quite different audiences. This subject will require a good deal of attention if the message is to have its intended effects. This means that human rights activists need to pay much more careful attention to the relationship between the media of communication and the audiences that they are attempting to reach in order to intervene in a specific case.

Economic Sanctions

If a particular situation represents a serious enough case of persecution, it may be possible to organize an economic boycott. Such action can be imposed by governments through legislation, or by non-governmental groups through the organization of campaigns against buying the country's exports or against investing in its enterprises. Such campaigns can be organized only in exceptional

cases, and even then there is some debate as to whether they really work at the economic level. But even if that debate were to be decided in the negative, economic sanctions remain a very potent weapon due to their enormous impact on publicity and on the political relations of the offending country.

An additional feature of economic sanctions is that they inevitably will involve organizations and interest groups that ordinarily have no great concern with humanitarian issues. Their involvement requires a good deal of skillful attention exactly because they are not interested in issues of human rights, but will be concerned with economic or with political issues. They may be reluctant to get involved unless their primary interests are likely to suffer, or they may even get involved in defensive and denial activities to protect their own interests.

In the quite rare cases where it is possible to organize a boycott that affects the economic, political, and social life of the offending country, it is very likely to prevent the most serious human rights violations. Recent events in the Republic of South Africa seem to support this argument.

Organizational Linkages

One area in which a tremendous amount of work remains to be done concerns the relationships between the many organizations that already are active on some aspect of human rights. Very often their various activities are not coordinated, sometimes they work at cross purposes, and occasionally they may even negate each other's

efforts. This is not an argument for establishing another umbrella organization with its own bureaucracy, but rather a suggestion that they might be more successful if they communicated more among themselves (Cohen, 1990). To implement such a suggestion would require that they agree among themselves to assign a higher priority to their human rights activities than to their commitments to ideologies, to influential power groups, to protecting their own turf, or even to their various ego building tendencies.

Since different types of organizations may require different approaches, the following grouping of relevant organizations is suggested:

- The United Nations and its various organizations, such as the U.N. Educational, Scientific, and Cultural Organization (UNESCO), the U.N. High Commissioner for Refugees (UNHRC), etc. While they have done very significant work in helping refugees, they have hardly addressed the causes of refugee flows. Neither have refugee issues been associated with human rights issues. As Roberta Cohen (1990) has shown, there is a great deal of room for improving the agenda of these organizations.

- Human rights organizations, such as Amnesty International, Cultural Survival, Peace Research institutes, etc. These have a great deal in common, but they rarely exchange information with organizations concerned with refugees (RPG, May 1989). They might be convinced to cooperate in a common network among themselves and with other organizations in order to share information and to plan concerted actions. The recently inaugurated "Peacenet", to

which anyone with a computer may obtain access, is a step in that direction.

- Various 'green' groups. Some of these have primarily political interests while others are more concerned with immediate aid to the environment. What they do have in common is their concern for safe-guarding the natural environment; they might be open to expanding their interests to the human environment and to saving the people for whom they are preserving the natural environment.

- The 'ethical' mutual funds and industries. These have arisen only recently. Some of them are engaged in debates about the meaning of 'ethical' in the context of their activities. They ought to be encouraged to include the violation of human rights in their definition of 'ethical'.

- Various governmental and non-governmental organizations that deal with refugees. As already mentioned, most of them are primarily concerned with helping these refugees; they usually pay little attention to the causes of these refugee flows. This sometimes prevents them from diagnosing the situation appropriately. Thus, the UNHCR sees repatriation as the preferred solution to the refugee problem (Zolberg, et. al., p. 268) without apparently taking note of the fact that refugees from genocide will find this the most unacceptable solution to their plight. At the same time, most of them are extremely reluctant to say or do anything that might offend the refugee-producing country for fear of having their assistance activities banned. However, their activities and their prestige give them a particularly strong base from which not only to assist refugees, but

also to recognize the causes of refugee flows; this also puts them into a strong position from which to assist in the prevention of these causes.

The Law

Unfortunately the law is only marginally relevant in matters of prevention. There are several reasons for this.

The perpetrators of modern genocides are collectivities, and it is much harder to prosecute a collectivity than an individual. These collectivities are almost always states that victimize their own citizens. Thus, a case would have to be brought before a court in the perpetrator country. However, countries that permit suits against their own government are most unlikely to be the perpetrators of genocide.

The U.N. Genocide Convention, in Article VI, foresees an "international penal tribunal" before which a case of genocide shall be tried. Such a tribunal has never been set up and none of the contracting parties have accepted that such an international tribunal might have jurisdiction. Hurst Hannum, who is the Executive Director of the Procedural Aspects of International Law (PAIL) Institute, has examined the case of the Cambodian genocide in some detail. He argues that the International Court of Justice could hear such cases, and concludes that the fact that no government has been willing to invoke international law on behalf of the victims of genocide is less an indictment of the law than of governments.

Such cases as have been tried before a court of law have ac-

cused individuals rather than regimes. After World War I, Turkey tried and condemned the leading figures that had been responsible for the Armenian genocide, several of them *in absentia*. Very few of the sentences were carried out. After World War II, war crimes trials were held in many countries, those in the two Germanies and in Austria being the best documented ones. These courts dealt only with individuals and relatively few of the sentences were carried out (Rückerl, 1980). Considering the many human rights violations in the world since those days, it would be very difficult to maintain that such trials, held long after the events, have had a wide-spread deterrent or preventative effect.

Another problem with judicial processes is that an individual can be charged only after a crime has been committed. At that stage he is not likely to be prosecuted in his own country. In theory, one ought to be able to bring a case to court in another country; in practice, few other countries would be willing to do this. Even if they were prepared to engage in such actions, there is no judicial authority for such a procedure, and if the defendant were tried *in absentia* the sentence could not be carried out.

So, why discuss the law in the context of prevention? The main reason is that one can always hope that the law will have a deterrent effect if, but only if, applied more forcefully and consistently within the country where an offence is committed. As more and more countries are willing to enact human rights legislation and enforce it without undue delay, a day may soon come when potential perpetrators will be so widely perceived as moral outcasts that

they will hesitate to engage in activities that the law, as well as the communities, have rejected as uncivilized.

There is an administrative, quasi-judicial procedure, however, that ought to be used more frequently: the refusal of visas to perpetrators who have been overthrown in their own country. In the majority of cases of serious human rights violations, including genocides, the perpetrator regime is overthrown, albeit after the fact. Many of the individual perpetrators then seek an asylum to escape the treatment that the new government may have in store for them. If more countries were to refuse entry visas to such criminals, it might contribute to a deterrent effect and it might expose the remaining countries of asylum to international censure. This administrative procedure has the additional advantage that it is much easier to implement than a legal proceeding.

CONCLUSIONS

The above discussions lead to three conclusions:

- 1) Efforts to develop indicators that will allow us to predict massive human rights violations, including genocides, are not likely to produce results in the near future. Without such indicators it is not possible to develop reliable early warning systems.
- 2) Such massive human rights violations and genocides do not appear on the world scene fullblown, without preparations. We do know a great deal about the preparatory and initial stages of such events. Thus, while we may not be able to predict them, we can recognize their occurrence in their very early stages.

3) Therefore, our efforts should be directed towards recognizing such early stages as soon as they occur. This provides much less lead time than a reliable prediction, but in the present stage of knowledge we do not have a choice. Because the lead time may be quite short, it will be important to obtain reliable and verifiable information and to mobilize all possible means to prevent and/or to arrest the looming disaster.

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